

107TH CONGRESS  
1ST SESSION

# S. 1099

To increase the criminal penalties for assaulting or threatening Federal judges, their family members, and other public servants, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JUNE 26, 2001

Mr. SMITH of Oregon (for himself and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To increase the criminal penalties for assaulting or threatening Federal judges, their family members, and other public servants, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Federal Judiciary Pro-  
5       tection Act of 2001”.

6       **SEC. 2. ASSAULTING, RESISTING, OR IMPEDING CERTAIN**  
7       **OFFICERS OR EMPLOYEES.**

8       Section 111 of title 18, United States Code, is  
9       amended—

1 (1) in subsection (a), by striking “three” and  
2 inserting “8”; and

3 (2) in subsection (b), by striking “ten” and in-  
4 serting “20”.

5 **SEC. 3. INFLUENCING, IMPEDING, OR RETALIATING**  
6 **AGAINST A FEDERAL OFFICIAL BY THREAT-**  
7 **ENING OR INJURING A FAMILY MEMBER.**

8 Section 115(b)(4) of title 18, United States Code, is  
9 amended—

10 (1) by striking “five” and inserting “10”; and

11 (2) by striking “three” and inserting “6”.

12 **SEC. 4. MAILING THREATENING COMMUNICATIONS.**

13 Section 876 of title 18, United States Code, is  
14 amended—

15 (1) by designating the first 4 undesignated  
16 paragraphs as subsections (a) through (d), respec-  
17 tively;

18 (2) in subsection (c), as redesignated by para-  
19 graph (1), by adding at the end the following: “If  
20 such a communication is addressed to a United  
21 States judge, a Federal law enforcement officer, or  
22 an official who is covered by section 1114, the indi-  
23 vidual shall be fined under this title, imprisoned not  
24 more than 10 years, or both.”; and

1           (3) in subsection (d), as redesignated by para-  
 2           graph (1), by adding at the end the following: “If  
 3           such a communication is addressed to a United  
 4           States judge, a Federal law enforcement officer, or  
 5           an official who is covered by section 1114, the indi-  
 6           vidual shall be fined under this title, imprisoned not  
 7           more than 10 years, or both.”.

8 **SEC. 5. AMENDMENT OF THE SENTENCING GUIDELINES**  
 9                               **FOR ASSAULTS AND THREATS AGAINST FED-**  
 10                              **ERAL JUDGES AND CERTAIN OTHER FED-**  
 11                              **ERAL OFFICIALS AND EMPLOYEES.**

12           (a) IN GENERAL.—Pursuant to its authority under  
 13           section 994 of title 28, United States Code, the United  
 14           States Sentencing Commission shall review and amend the  
 15           Federal sentencing guidelines and the policy statements  
 16           of the commission, if appropriate, to provide an appro-  
 17           priate sentencing enhancement for offenses involving in-  
 18           fluencing, assaulting, resisting, impeding, retaliating  
 19           against, or threatening a Federal judge, magistrate judge,  
 20           or any other official described in section 111 or 115 of  
 21           title 18, United States Code.

22           (b) FACTORS FOR CONSIDERATION.—In carrying out  
 23           this section, the United States Sentencing Commission  
 24           shall consider, with respect to each offense described in  
 25           subsection (a)—

1           (1) any expression of congressional intent re-  
2           garding the appropriate penalties for the offense;

3           (2) the range of conduct covered by the offense;

4           (3) the existing sentences for the offense;

5           (4) the extent to which sentencing enhance-  
6           ments within the Federal sentencing guidelines and  
7           the authority of the court to impose a sentence in  
8           excess of the applicable guideline range are adequate  
9           to ensure punishment at or near the maximum pen-  
10          alty for the most egregious conduct covered by the  
11          offense;

12          (5) the extent to which the Federal sentencing  
13          guideline sentences for the offense have been con-  
14          strained by statutory maximum penalties;

15          (6) the extent to which the Federal sentencing  
16          guidelines for the offense adequately achieve the  
17          purposes of sentencing as set forth in section  
18          3553(a)(2) of title 18, United States Code;

19          (7) the relationship of the Federal sentencing  
20          guidelines for the offense to the Federal sentencing  
21          guidelines for other offenses of comparable serious-  
22          ness; and

23          (8) any other factors that the Commission con-  
24          siders to be appropriate.

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